

PC 2023-01983

State of Rhode Island

Superior Court

Timothy J. Babincau
Michael Nozick Vs. Lifespan Corporation

~~RICHARD J. BROWN~~

~~FILED NO. 101-2023-00133~~

COMPLAINT

JURISDICTION AND VENUE

1. This is an action under the Americans with Disabilities Act of 1990 (ADA) to correct unlawful practices on the basis of disability, and to provide appropriate relief to applicants and employees who were affected by such unlawful practices.
2. Both the statutes and law of the State of Rhode Island and the statutes and laws of the United States of America confer the subject matter jurisdiction of this Court.
3. Venue is proper in this court.

ADMINISTRATIVE PROCEDURE

4. Plaintiff filed a timely age discrimination charge with the Equal Employment Opportunity Commission (the "EEOC") on 10/01/2021.
5. He was issued a "Notice of Right to Sue" letter, on 3/15/2023, granting him the right to file suit.
6. This Complaint is filed within 90 days following the Plaintiffs receipt of this "Notice of Right to Sue" letter. The Plaintiff has satisfied all other administrative and procedural prerequisites to the filing of this Complaint.

FACTS

7. Plaintiff was hired by Lifespan Corporation as a Registered Nurse in May of 2014, at The Miriam Hospital.
8. In October of 2015, plaintiff filed a reasonable accommodations form recognizing him as disabled with facilitation of Lifespan's Employee Assistance Program, to which he had been referred by his manager.
9. On August 13, 2021, Lifespan Corporation terminated this individual regarded as disabled after failing to provide the individual a reasonable accommodation during a probationary period as a Registered Nurse in the Neurological Critical Care Unit at Rhode Island Hospital, without any prior warning.
10. Prior to the plaintiff's exit interview for which he had received no prior warning, the plaintiff's nurse manager stated to him on the elevator regarding the meeting, "Don't worry, I do this with everyone."
11. On August 16, 2021, Lifespan Corporation informed the plaintiff by e-mail that he was Ineligible for Rehire throughout Lifespan Corporation.

CAUSE OF ACTION- Violation of the American's with Disabilities Act (ADA) of 1990 as amended.

EXHIBIT

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12. Plaintiff incorporates the allegations contained in paragraphs 1 to 11 set forth above as though the same were set forth at length herein.

13. Plaintiff is a member of a protected class, having a disability at the time he was terminated by Lifespan Corporation.

14. Defendant violated the American with Disabilities Act of 1990 by discriminating against the defendant as evidenced by termination with labeled reason as "safety concerns", without any support in reality for that labeling.

15. As a direct and proximate result of disability discrimination, Plaintiff has sustained financial losses and suffered emotional harm for which he is entitled to recover.

RELIEF REQUESTED

WHEREFORE, Plaintiff requests that this Court grant relief including, but not limited to, the following:

1. That summons issue in accordance with the law and that the summons and complaint be served upon the Defendant;
2. Entry of judgment in favor of the Plaintiff for back pay, lost benefits, and other equitable relief this Court deems just and appropriate;
3. Entry of judgment in favor of the Plaintiff for all taxable and nontaxable costs of this action;
4. Entry of judgment in favor of the Plaintiff for reasonable attorney's fees incurred in prosecution of this action;
5. Entry of a judgment in favor of Plaintiff for prejudgment interest;
6. Order such other and further relief, as the Court deems just and appropriate;
7. Plaintiff demands a trial by jury on all issues.

This May 1, 2023.

Michael Nozick, RN

CERTIFICATION


I certify that I would like Lifespan Corporation to receive a copy of all documents by Certified Mail

Sent to: Timothy J. Rabineau, MD
President
Lifespan Corporation
167 Point Street
Providence, RI 02903

Michael Nozick
4 Clauson Ct.
East Greenwich, RI
02818

CERTIFICATION

I CERTIFY THAT on March 15, 2022 I sent out a **RIGHT TO SUE** regarding the case of Michael Nozick vs. Lifespan Corporation & Rhode Island Hospital RICHR NO. 22 EMD 156 to the following persons:

Michael Nozick 4 Clauson Court East Greenwich, RI 02818	Timothy J. Babineau, M.D. President Lifespan Corporation 167 Point Street Providence, RI 02903
Paul Alder, agent for service 245 Chapman Street, suite 200 Providence, RI 02905	Saul Weingart, MD, President Rhode Island Hospital 593 Eddy Street Providence, RI 02903
	William Schmiedeknecht, Interim Director Human Resources & Community Affairs 167 Point Street Providence, RI 02903
	 Lynn C. Cimaglia Administrative Aide March 15, 2023